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OFFICE OF PETITIONS

In re Application of :
Josef Schwagmann :
Application No. 10/520,716 : DECISION ON PETITION
Filed: June 6, 2005 :
Attorney Docket No. 2002P10577WOUS :

CORRECTED DECISION

This is a decision on the petition, filed April 13, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the two (2) month time period provided in 37 CFR 41.37(a)(1). The Notice of Appeal was filed on September 11, 2009.

Office record show a timely reply was received under 37 CFR 1.8 on April 13, 2009, which included the following papers: Request for Continued Examination (RCE); five (5) month extension of time; Statement under 37 CFR 3.73(b) and power of attorney.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The decision mailed November 18, 2009 is hereby vacated as of the mail date of this decision.

This application is being referred to Technology Center AU 2453 for appropriate action in the normal course of business on the RCE received on April 13, 2009.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions